

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 738, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF FLAVORING EXTRACTS.

On or about January 10, 1910, the Meyer Brothers Drug Company, a corporation, St. Louis, Mo., shipped from the State of Missouri into the State of Michigan a consignment of two food products labeled, respectively: "One- $\frac{1}{4}$ oz. XX Extract of Vanilla, half strength. Improved with vanillin. For flavoring ice cream, ices, jellies, custards, pastry, etc. Guaranteed by Meyer Brothers Drug Company, St. Louis. Meyer Brothers Drug Company, prop."; and "Extract of Lemon, half strength. For flavoring ice cream, ices, jellies, custards, pastry, etc. Guaranteed under the Food and Drugs Act, June 30, 1906. No. 55. Columbia Chemical Company, St. Louis. Meyer Brothers Drug Company, prop." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results for the extract of vanilla: Vanillin 0.25 per cent, coumarin none, acetanilide none, resins trace, Leach test negative, alcohol potash test negative, lead number 0.30 per cent, artificial color lead acetate filtrate none, natural color high amyl alcohol test, normal; and the following results for the extract of lemon: Alcohol 57.60 per cent, lemon oil absent, citral 0.066 per cent, color vegetable. As the findings of the analyst and report made showed that the products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Meyer Brothers Drug Company (Incorporated) and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the

facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said Meyer Brothers Drug Company (Incorporated), charging the above shipment and alleging that the vanilla extract so shipped was adulterated in that said bottles did not contain extract of vanilla half strength, in that said bottles contained an artificially compounded solution flavored with vanillin, and containing little or no extract from the vanilla bean from which true extract of vanilla is made, in that said artificially compounded solution flavored with vanillin had been substituted for the article described upon the label of said bottles, and that in the manufacture of the liquid contained in said bottles an artificially compounded solution flavored with vanillin had been mixed and packed with said article so as to reduce, lower and injuriously affect its quality and strength; and alleging said vanilla extract to be misbranded in that said bottles did not contain extract of vanilla half strength, but contained an artificially compounded solution flavored with vanillin containing but little extract from the vanilla bean from which true vanilla extract is made, and that said artificially compounded solution flavored with vanillin had been substituted for the article described upon the labels of said bottles, and that the liquid contained in said bottles was an imitation and offered for sale under the distinctive name of another article, and that the label thereof was false and misleading and was calculated to mislead and deceive the purchaser into the belief that said bottles contained extract of vanilla half strength and into the belief that said extract of vanilla was improved by the addition of vanillin, whereas in truth and in fact, said bottles contained little or no extract of vanilla but contained an imitation, artificially compounded and flavored with vanillin, and that said bottles were further misbranded in that they were about 13 per cent short measure. It was further alleged that the lemon extract so shipped was adulterated, in that said bottles did not contain extract of lemon half strength, but contained a dilute alcoholic solution of citral in which there was present no oil of lemon from which true extract of lemon is made, and that said dilute alcoholic solution of citral had been substituted for the article described upon the label of said bottle, and that the contents of said bottle was artificially colored whereby the inferiority of said liquid was concealed; and further that the said lemon extract was misbranded in that the said bottles contained no extract of lemon half strength, but contained a dilute alcoholic solution of citral in which there was present no oil of lemon from which true extract of lemon is made, and that said dilute alcoholic solution of citral had been

substituted for the article described upon the label of said bottle, and that said liquid was artificially colored to conceal its inferiority, and that said article was an imitation and offered for sale under the distinctive name of another article, and that the labels upon said bottles were false and misleading and that said bottles were so labeled as to deceive and mislead the purchaser.

On November 11, 1910, the defendant entered a plea of guilty to the charge of misbranding against the vanilla extract and the charge of adulteration against the lemon extract, and the court imposed a fine of \$2 and costs. A nolle prosequi was entered to the remaining charge against these products.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 24, 1911.*

